

acted by Board of County Commissioners for the regulation of any aspect of land development and including, but not limited to zoning, subdivision, signs, impact fees, vesting, concurrency management, environmental management, traffic performance standards, or any other regulations controlling the development of land.

- (9) *Laws* means all ordinances, resolutions, regulations, the comprehensive plan, land development regulations, and rules adopted by Leon County affecting the development of land.
 - (10) *Local planning agency* means the Tallahassee-Leon County Planning Commission.
 - (11) *Person* shall mean any owner, lessee, building contractor, developer or other entity involved in the use of real property, including agents, employees, independent contractors, or others in privity with any of the above, whether natural persons, firms, associations, corporations, partnerships, joint ventures, estates, trusts, business trusts, syndicates, fiduciaries, governmental bodies, agencies, or officials.
 - (12) *Public facilities* shall mean capital facilities that are owned by a governmental entity.
 - (13) *State land planning agency* means the Department of Community Affairs.
- (Ord. No. 95-20, § I, 10-17-95)

Sec. 10-1971. Procedures.

A. *Application.* Any property owner proposing a development agreement may file an application for approval of such agreement with the county administrator or his/her designee. A completed application form, as required by the county administrator or his/her designee, shall be filed and shall be accompanied by the following:

- (1) A draft development agreement containing, at a minimum, all of the required provisions set out later in this ordinance.
- (2) A description of the proposed development and how it is consistent with the goals, objectives, and policies of the Leon County 2010 Comprehensive Plan;

- (3) A description of any rezoning and any amendments to other land development regulations necessary to complete the development as proposed, along with concurrent applications for such rezonings and other land development regulation amendments;
- (4) A sworn and notarized statement identifying all of the legal and equitable owners of the property covered by the proposed agreement;
- (5) A list of all persons, as determined from the most recent tax rolls, owning property within 500 feet of the property included in the agreement; and

B. *Review and negotiation.* The county administrator or his/her designee, with the assistance of the county attorney as necessary, shall review a proposed agreement for compliance with the requirement of all these regulations and procedures, the comprehensive plan, all applicable land development regulations; shall attempt to negotiate with the applicant the inclusion in the proposed agreement of any modifications or additional provisions deemed necessary or desirable by the county administrator or his/her designee; and shall draft suggested alternative or additional provisions not agreed to by the applicant.

C. *Initial board consideration.* The proposed agreement, including any alternative or additional provisions suggested by the county administrator or his/her designee and agreed to the applicant, shall be presented to the Board of County Commissioners at a public meeting, along with any alternative or additional provisions suggested by the county administrator or his/her designee which have not been agreed to by the applicant, for a determination as to whether to advertise public hearings on the proposed agreement. Upon such authorization, the county administrator or his/her designee shall thereafter schedule and notice two public hearings as provided herein.

D. Public hearings.

- (1) Before entering into, amending, or revoking a development agreement, the Board of County commissioners shall conduct at least

two public hearings. At the option of the board, one of the public hearings may be held by the local planning agency.

(2) Notice.

(a) Notice of intent to consider a development agreement shall be advertised approximately seven days before each public hearing in a newspaper of general circulation and readership in Leon County. Notice of intent to consider a development agreement shall also be mailed to all affected property owners (as determined from the most recent tax rolls, of all property located within 500 feet of the property within the agreement) before the first public hearing by at least ten days which must identify both public hearings. The day, time, and place at which the second public hearing will be held shall be announced at the first public hearing.

(b) The notice shall specify the location of the land subject to the development agreement, the development uses proposed on the property, the proposed population densities, and the proposed building intensities and height and shall specify a place where a copy of the proposed agreement and any suggested alternative or additional provisions can be obtained. In addition, the property included within the proposed agreement shall also be posted with a notice in the same manner as for a rezoning.

(3) *Planning commission hearing.* The planning commission shall review the proposed agreement and recommend to the Board of County Commissioners:

- (a) Whether approval of the proposed agreement would be consistent with the goals, objectives, and policies of the comprehensive plan, based upon an analysis of the comprehensive plan provisions both supporting and conflicting with the proposal;
- (b) Which of any suggested alternative or additional provisions not agreed to by the applicant should be included;

(c) Whether the proposed agreement should be further modified and in what respect; and

(d) Whether such proposed agreement should be approved.

(3.1) *Second hearing.* At the conclusion of the first public hearing, the day, time, and place of the second public hearing before the Board of County Commissioners, to consider the proposed agreement shall be announced.

(4) *Concurrent hearings and notices.* Whenever an application for approval of a proposed development agreement is made concurrently with necessary applications for rezoning or amendments to other land development regulations, the public hearings on the proposed development agreement shall be held, when possible, at the same meetings as public hearings on the concurrent rezoning or amendment application, and required notices for the hearings shall be combined where possible.

(5) *County costs.* Prior to the second public hearing on the proposed agreement, the county administrator or his/her designee shall determine and advise the applicant and the Board of County Commissioners of the actual costs to of reviewing, negotiating, noticing, and holding hearings on the proposed agreement. In the event such costs exceed the minimum application fee, the excess amount shall be remitted by the applicant to Leon County prior to the second public hearing. Such actual costs shall include, but are not limited to:

- (a) The county's actual legal expenses;
- (b) The actual cost of photocopies and of mailing and publishing notices;
- (c) The actual cost of obtaining any expert assistance in reviewing the proposed agreement; and
- (d) A reasonable cost for the time spent in reviewing, negotiating, and processing the proposed agreement by employees (including the county attorney's office) of the county and City of Tallahassee-Leon County Planning Department.

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E. Approval, execution, and recording.

- (1) At the conclusion of the second public hearing, the Board of County Commissioners may by resolution, approve the agreement as proposed, or with any of the suggested alternative or additional provisions not agreed to by the applicant included, or with any other modifications, or it may reject the proposed agreement.
- (2) The resolution shall provide that approval of the development agreement shall expire unless, within 30 days after approval, the agreement is fully executed by all of the legal and equitable owner of the land covered by the agreement.
- (3) Within 14 days after an approved development agreement is fully executed, the county administrator shall record the agreement in the public records of Leon County and forward a copy of the recorded agreement to the state land planning agency.

(Ord. No. 95-20, § II, 10-17-95)

Sec. 10-1972. Requirements of a development agreement.

(1) A development agreement shall include the following:

- (a) A legal description of the land subject to the agreement, and the names of its legal and equitable owners;
- (b) The duration of the agreement;
- (c) The development uses permitted on the land (by specific areas where possible) including population densities, and building intensities and height, and where appropriate, the number, type and size of buildings, all of which provisions may be more restrictive than the comprehensive plan and the land development regulations, but which may not be more liberal;
- (d) A description of public facilities that will service the development, including who shall provide such facilities; the date any new facilities, if needed, will be constructed; and a schedule to assure public facilities are available concurrent with the impacts of the development;

- (e) A description of any reservation or dedication of land for public purposes;
 - (f) A description of all local development permits approved or needed to be approved for the development of the land;
 - (g) A finding that the development permitted or proposed is consistent with the comprehensive plan and land development regulations;
 - (h) A description of any conditions, terms, restrictions, or other requirements determined to be necessary by the Board of County Commissioners for the public health, safety, or welfare of its citizens; and
 - (i) A statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction shall not relieve the developer of the necessity of complying with the law governing said permitting requirements, conditions, term, or restriction.
- (j) A statement that the rights and obligations of the agreement shall be binding upon and shall inure to the benefit of the parties to the agreement and their lawful heirs, successors, and assigns.
- (2) Optional provisions.
- (a) A development agreement may provide that the entire development or any phase thereof be commenced or completed within a specific period of time;
 - (b) Identify any pending or proposed revisions to applicable laws, ordinances, or regulations and specify the extent to which such revisions shall apply to the land included within the agreement;
 - (c) Set out the effects and consequences of a failure to comply with the terms of the agreement;
 - (d) Specify what development orders shall be considered to be final development orders for the purpose of vesting any rights to the entire development, or any part or phase thereof;
 - (e) Require that, if the agreement or any development order of the county issued for